

STATE OF INDIANA
COUNTY OF WABASH, SS:

IN THE WABASH CIRCUIT COURT
IN THE WABASH SUPERIOR COURT

**NOTICE OF PROPOSAL TO ADOPT A LOCAL RULE
AND REQUEST FOR SUPREME COURT APPROVAL**

The Wabash Circuit and Superior Courts hereby give notice to the Bar and the public of the proposed adoption of a new Local Rule. The new Local Rule deals with the selection of Special Judges from among the newly formed Administrative District 9, which includes Adams, Huntington, Wabash, and Wells Counties. The adoption of the new Local Rule is required, pursuant to Order of the Indiana Supreme Court, issued January 12, 2011, under Supreme Court No. 94S00-1101-MS-19, and is subject to Supreme Court approval which is requested. The new rule is indicated by underlining and the deleted local rule is indicated by ~~striking through~~.

Comments, by the Bar and the public as to the new proposed Rule, will be received until May 1, 2011. The proposed Rule will be adopted, modified or rejected by July 1, 2011. The proposed Rule will not be effective unless and until approved by the Indiana Supreme Court.

Comments should be sent to: Elaine J. Martin, Clerk of Courts, 69 West Hill Street, Wabash, IN 46992.

Dated: March 30, 2011

_____/S/_____
Robert R. McCallen, III, Judge
Wabash Circuit Court

_____/S/_____
Christopher M. Goff, Judge
Wabash Superior Court

LR 85 TR 79-10 Selection of a Special Judge Pursuant to Trial Rule 79(H)

Section 1- Cases involving a change of judge

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the regular sitting judge shall name a panel pursuant to TR 79(F) consisting, whenever possible, of other Wabash County judges or full-time judicial officers, or senior judges assigned to the court. If a sufficient number of Wabash County judges or full-time judicial officers, or senior judges assigned to the court does not exist, then a panel shall be named including:

1. the available Wabash County judges or full-time judicial officers, or senior judges assigned to the court, and
2. judges or full-time judicial officers from courts within the administrative district as set forth in Administrative Rule 3, and
3. judges or full-time judicial officers from contiguous counties outside of the administrative district who have agreed to serve as a special judge in the court where the case is pending.

If none of the above methods produce a special judge, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or full-time judicial officers eligible under Trial Rule 79(J) as follows:

1. Judge of the Wells Superior Court;
2. Judge of the Huntington Circuit Court;
3. Judge of the Huntington Superior Court;
4. Judge of the Wells Circuit Court;
5. Judge of the Adams Superior Court; and
6. Judge of the Adams Circuit Court

In cases in which no judge or full-time judicial officer is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

Section 2-Cases involving recusal or disqualification of a judge

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or full-time judicial officers from within the administrative district eligible under Trial Rule 79(J) as follows:

1. Judge of the Wells Superior Court;
2. Judge of the Huntington Circuit Court;
3. Judge of the Huntington Superior Court;
4. Judge of the Wells Circuit Court;
5. Judge of the Adams Superior Court; and
6. Judge of the Adams Circuit Court

In cases in which no judge or full-time judicial officer is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

~~LR85-TR79-10 — Trial Rule 79 (H) Appointment of Special Judges (Formerly Wabash Circuit Court Local Rule 16, on file with and approved by Office of State Court Administration)~~

Purpose of Rule

~~This rule is adopted to comply with the requirements of Trial Rule 79 (H) of the Indiana Rules of Trial Procedure. It is intended to provide a means of selection of special judges insuring the effective use of all judicial resources within Administrative District 5, and includes each person eligible for appointment under Section (J) of Trial Rule 79.~~

Central Office Established

~~There is established a Central Office for the keeping of records of appointment and selection of special judges for this district. The Central Office for this District shall be the Wabash Circuit Court. The Administrator of the Central Office shall be appointed by the Judge of the Wabash Circuit Court.~~

~~This Court shall hereafter refer to the Central Office of this District whenever selection of a special judge is required under this rule. The Court shall accept from the Central Administrator the name of the individual to then be appointed as special judge. The person serving as Administrator of the Central Office shall have the following responsibilities:~~

~~To maintain a list of persons qualified to serve as special judge under Section (J) of Trial Rule 79.~~

~~To take referrals from the several courts of this District, requesting appointment of a special judge.~~

~~To alternately and on a rotating basis, appoint qualified judges from the list maintained for that purpose.~~

~~To notify the referring Court of the individual to be appointed under this Rule.~~

~~Current Rotation Schedule~~

~~The following shall be the rotation schedule initially used by the Central Administration:~~

~~The judge of Cass Superior 1 Court,~~

~~The Judge of the Wabash Circuit Court,~~

~~The judge of Howard Superior 3 Court,~~

~~The judge of the Fulton Superior Court,~~

~~The judge of Howard Superior 2 Court,~~

~~The judge of the Fulton Circuit Court,~~

~~The judge of the Howard Circuit Court,~~

~~The judge of the Tipton Circuit Court,~~

~~The judge of the Miami Superior Court,~~

~~The judge of Howard Superior Court 4,~~

~~The judge of the Cass Circuit Court,~~

~~The judge of the Wabash Superior Court,~~

~~The judge of the Miami Circuit Court, and~~

~~The judge of Cass Superior 2 Court.~~

~~Administration Fee~~

~~Each of the Courts participating under this Rule shall pay each year the sum of Fifty Dollars (\$50) to the Central Administrator, payable directly to the Administrator by the 15th of September of each year.~~

~~Certification to Supreme Court~~

~~In cases in which no judge is eligible to serve as special judge in a particular case, or where the circumstances of the case require it, the Court shall certify those circumstances to the Supreme Court, and that Court shall make appointment.~~